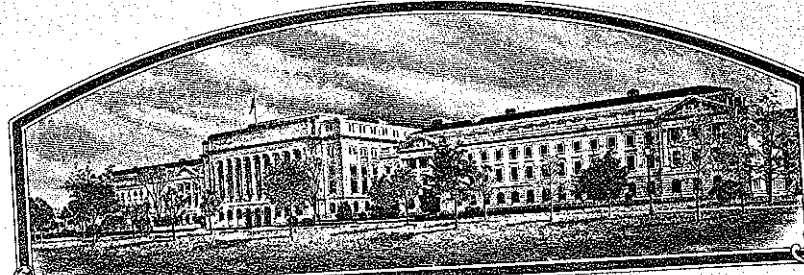


No.

7900076



# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

**Dessert Seed Company, Inc.**

Whereas, THERE HAS BEEN PRESENTED TO THE  
**Secretary of Agriculture**

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF *seventeen* YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXHIBIT THE VARIETY TO OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

ONION

'Colossal'



In Testimony Whereof, I have hereunto set  
my hand and caused the seal of the Plant  
Variety Protection Office to be affixed  
at the City of Washington  
this 18th day of October  
in the year of our Lord one thousand nine  
hundred and seventy-nine

Attest:

Commissioner  
Plant Variety Protection Office  
Grain Division  
Agricultural Marketing Service

Secretary of Agriculture

UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
LIVESTOCK, POULTRY, GRAIN & SEED DIVISION

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

INSTRUCTIONS: See Reverse.

FORM APPROVED  
OMB NO. 40-R3822

No certificate for plant variety protection may be issued unless a completed application form has been received (5 U.S.C. 553).

FOR OFFICIAL USE ONLY

1a. TEMPORARY DESIGNATION OF VARIETY

Colossal

1b. VARIETY NAME

Colossal (Grano)

2. KIND NAME

Onion

3. GENUS AND SPECIES NAME

Allium cepa

4. FAMILY NAME (BOTANICAL)

Liliaceae

5. DATE OF DETERMINATION

May, 1977

6. NAME OF APPLICANT(S)

DESSERT SEED COMPANY, INC

9. IF THE NAMED APPLICANT IS NOT A PERSON, FORM OF ORGANIZATION: (Corporation, partnership, association, etc.)

DESSERT SEED COMPANY, INC.

PV NUMBER

7900076

FILING DATE

4-24-79

TIME

10:00

A.M.

P.M.

FEE RECEIVED

\$ 500.00

\$ 250.00

DATE

4-24-79

9-10-79

8. TELEPHONE AREA CODE AND NUMBER

(714)

352-2081

7. ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code)

P.O. Box 181

El Centro, CALIFORNIA 92243

10. IF INCORPORATED, GIVE STATE AND DATE OF INCORPORATION

California 1955

11. DATE OF INCORPORATION

1955

12. NAME AND MAILING ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS:

A.M. Dessert

c/o Dessert Seed Company, Inc., P.O. Box 181, El Centro, CA 92243

13. CHECK BOX BELOW FOR EACH ATTACHMENT SUBMITTED:



13A. Exhibit A, Origin and Breeding History of the Variety (See Section 52 of the Plant Variety Protection Act.)



13B. Exhibit B, Novelty Statement.



13C. Exhibit C, Objective Description of the Variety (Request form from Plant Variety Protection Office.)



13D. Exhibit D, Additional Description of the Variety.

14a. DOES THE APPLICANT(S) SPECIFY THAT SEED OF THIS VARIETY BE SOLD BY VARIETY NAME ONLY AS A CLASS OF CERTIFIED SEED? (See Section 83(a). (If "Yes," answer 14B and 14C below.) ☐ YES ☒ NO

14b. DOES THE APPLICANT(S) SPECIFY THAT THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? ☐ YES ☐ NO

14c. IF "YES," TO 14B, HOW MANY GENERATIONS OF PRODUCTION BEYOND BREEDER SEED? ☐ FOUNDATION ☐ REGISTERED ☐ CERTIFIED

15a. DID THE APPLICANT(S) FILE FOR PROTECTION OF THIS VARIETY IN OTHER COUNTRIES? ☐ YES ☒ NO (If "Yes," give name of countries and dates.)

15b. HAVE RIGHTS BEEN GRANTED THIS VARIETY IN OTHER COUNTRIES? ☐ YES ☒ NO (If "Yes," give name of countries and dates.)

16. DOES THE APPLICANT(S) AGREE TO THE PUBLICATION OF HIS/HER (THEIR) NAME(S) AND ADDRESS IN THE OFFICIAL JOURNAL? ☒ YES ☐ NO

17. The applicant(s) declare(s) that a viable sample of basic seed of this variety will be furnished with the application and will be replenished upon request in accordance with such regulations as may be applicable.

The undersigned applicant(s) is (are) the owner(s) of this sexually reproduced novel plant variety, and believe(s) that the variety is distinct, uniform, and stable as required in Section 41, and is entitled to protection under the provisions of Section 42 of the Plant Variety Act.

Applicant(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.

4-16-79  
(DATE)

*A.M. Dessert*  
(SIGNATURE OF APPLICANT)

(SIGNATURE OF APPLICANT)

## INSTRUCTIONS

**GENERAL:** Send an original copy of the application and exhibits, ~~at least 2,500 viable seeds, and \$500 fee (3-250 Filing fee and 150 examination fee)~~ to U.S. Dept. of Agriculture, Agricultural Marketing Service, Livestock, Poultry, Grain and Seed Division, Plant Variety Protection Office, National Agricultural Library Building, Beltsville, Maryland 20705. (See section 180.175 of the Regulations and Rules of Practice.) Retain one copy for your files. All items on the face of the form are self-explanatory unless noted below.

### ITEM

5 Give the date the applicant determined that he had a new variety based on (1) the definition in section 41(a) of the Act and (2) the date a decision was made to increase the seed.

13a Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method; (2) the details of subsequent stages of selection and multiplication; (3) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified and (4) evidence of uniformity and stability.

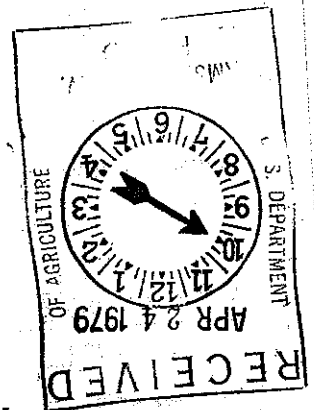
13b Give a summary statement of the variety's novelty. Clearly state how this novel variety may be distinguished from all other varieties in the same crop. If the new variety most closely resembles one or a group of related varieties: (1) identify these varieties and state all differences objectively; (2) attach statistical data for characters expressed numerically and demonstrate that these differences are significant; and (3) submit, if helpful, seed and plant specimens or photographs of seed and plant comparisons clearly indicating novelty.

13c Fill in the Exhibit C, Objective Description form, for all characteristics for which you have adequate data.

13d Describe any additional characteristics that are not described, or whose description cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the description of characteristics that are difficult to describe, such as, plant habit, plant color, disease resistance, etc.

14a If "YES" is specified (seed of this variety be sold by variety name only as a class of certified seed) the applicant may NOT reverse his affirmative decision after the variety has either been sold and so labeled, his decision published, or the certificate has been issued. However, if the applicant specified "NO," he may change his choice. (See section 180.16 of the Regulations and Rules of Practice.)

15a See section 42 of the Plant Variety Protection Act and section 180.7 of the Regulations and Rules of Practice.



13-A

EXHIBIT A  
ORIGIN AND BREEDING HISTORY OF THE VARIETY

The variety Colossal has a rather mixed heritage but primarily it is a selection out of crosses between Texas Early Grano 502, 951 and inbred out of 502 and other varieties. The origin of 502 and 951 has been described in other publications. Originally both 502 and 951 were susceptible to pink root but resistance has been incorporated by the Dessert Seed Company. Colossal is more or less a by-product from crosses made for other purposes indicated below.

1967 Crosses were made between 951 and San Joaquin B to incorporate the male-sterile gene in 951.

1968 Bulbs were grown from crosses made in 1967.

1969 The F1 plants were backcrossed to 951.

1970 Bulbs were grown from the backcrossed seed.

1971 Backcross plants were selfed.

1972 Selfed backcrosses were planted in the pink root block to get resistant segregates.

1973 Resistant selections were planted in the breeding block for selfing and crossing.

1974 From the above selfed backcrosses several good 951 A and B lines have been developed, but in these selfed backcrosses these also appeared some very attractive elongated bulbs that seemed to have potential for increased yields. The best of these were planted in October 1974 increase Cage 78 along with elongated bulbs from an entirely different source.

13-A

Page 2

In 1963 crosses were made between 502 and White Mexican 3516-6 B with the object of incorporating the non-shattering gene of White Mexican into 502. In order to completely recover the 502 type we had to make second backcrosses. In 1974 bulbs were grown of the selfed second generations backcrosses some of these progenies also had a few attractive elongated bulbs and these were also planted in increase Cage No. 78 in October 1974.

1975 In 1975 seven ounces of seed were obtained from these elongated bulbs.

1976 In 1976 seed from cg 78 was planted in the pink-root block and bulbs were harvested May 27. The plants were all highly resistant to pink-root and to the common strain of yellow dwarf. Nineteen hampers of bulbs were stored, but by October only 10 hampers had survived a hot and humid summer. In October the bulbs were cut to select for single centers and the wet surface treated with Cerasan. But despite their treatment many more of the bulbs rotted before we could get them planted. Those that survived were planted in an increase cage in late October 1976.

1977 In 1977 one pound fourteen ounces of seed was harvested. Bulbs were grown in the pink-root block from 1975 seed, 106 hampers of bulbs were harvested. It was noted that these bulbs where given room made tremendous size. The growth in height was accompanied by a growth in diameter so that nearly a perfect globe onion was obtained with a slight tapering at the base of the bulb. In October 1977 four increase cages were planted to get a good seed increase.

1978 Eight pounds of seed were obtained despite a severe attack of downy mildew. Sixty-five hampers of bulbs were harvested, yields were low because of downy mildew.

AMENDED EXHIBIT A  
1979

The Trials were read in May. There were three hundred bulbs. They were all larger than Texas Grano 502 PRR in diameter and in depth averaging approximately 3 oz. per bulb. This was comparing side by side trials. Also they were rounder at the base plate and not so top shaped. There were some variants in shape approximately 5% are not as round as the rest. All were signal center.

# AMENDING EXHIBIT A

Colossal Onion most generally resembles 502 Grano. Through four generations this Onion has always been considerably larger in shape, in both dept and diameter than the 502 Grano. Colossal is also very uniform and stable in all other aspects. It's leaf foliage is taller than Grano 502. There is about 5% variance in the base plate shape of the bulbs and this is constant in the four generations.

EXHIBIT B  
NOVELTY STATEMENT

164  
790727

The Novelty of this variety (Colossal) compared to the <sup>most similar</sup> ~~closest~~ variety <sup>is</sup> to it, Texas Grano 502 PRR and Texas Grano <sup>502</sup> regular is the large size. It will average  $3/4$ " larger in diameter and  $1/2$ " deeper. Weight 3 oz. more than either of these varieties on an average. In three years of weighing these out, we weighed 500 bulbs of each of these three varieties and Colossal trial averaged a little over 95 lbs. each of these three years in higher weight per 500 bulbs.

The individual rings are thicker than the Grano 502 or 502 PRR and measure approximately  $1/16$  inch larger than either of the two varieties. Colossal is almost a round Onion and not top shaped like the 502 Grano and 502 Grano PRR.



UNITED STATES DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
GRAIN DIVISION  
HYATTSVILLE, MARYLAND 20782

FORM APPROVED. OMB NO. 40-R3712  
EXHIBIT C  
(Onions)

OBJECTIVE DESCRIPTION OF VARIETY  
ONIONS (ALLIUM CEPA L.)

REFERENCES: See Reverse.

NAME OF APPLICANT(S)  
DESSERT SEED COMPANY, INC.  
ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code)  
P.O. BOX 181  
EL CENTRO, CALIFORNIA 92243

FOR OFFICIAL USE ONLY  
PVPO NUMBER  
7900076

VARIETY NAME OR TEMPORARY  
DESIGNATION  
Colossal

Set 79M11

Place the appropriate number that describes the varietal character of this variety in the boxes below.  
Place a zero in first box (e.g.  or ) when number is either 99 or less or 9 or less.

1. TYPE:

1 = BULB 2 = BUNCHING

TO  DEGREES MEAN LATITUDE - ADAPTATION RANGE

Maturity (days): 1 = EARLY (75 - 90) 2 = MEDIUM (100 - 120) 3 = LATE (> 130)

2. PLANT

CM. HEIGHT ABOVE SOIL LINE TO HIGHEST POINT OF ANY FOLIAGE

CM. TALLER THAN Excel Yellow (Comparable variety)

CM. SHORTER THAN Grano 502 (Comparable variety)

1 = ERECT (Spartan Gem) 2 = INTERMEDIATE 3 = FLOPPY (Epoch)

3. LEAF:

CM. LONG (before maturity yellowing begins)

MM. WIDE  MM. THICK AT MIDLENGTH OF LONGEST LEAF

Color: 1 = LIGHT GREEN (Early Grano) 2 = MEDIUM GREEN (Yellow Bermuda)  
3 = BLUE GREEN (Australian Brown U.C. No. 1)

Bloom: 1 = NONE - glossy 2 = LIGHT (Early Grano) 3 = MEDIUM (Crystal Wax) 4 = HEAVY (California Early Red)

MM. DIAMETER AT MIDLENGTH

4. SHEATH:

MM. COLUMN LENGTH (Height from soil line to base of lowest succulent leaf)

Scape: CM. FROM SOIL LINE TO BASE OF INFLORESCENCE

Scape: MM. DIAMETER AT MIDLENGTH

5. INFLORESCENCE:

Umbel (for seed production)

MAXIMUM NO. PER PLANT

MINIMUM NO. PER PLANT

AVERAGE NO. PER PLANT

MM. DIAMETER

Spathe: 1 = LONG BEAK 2 = SHORT BEAK

MM. ANTHER LENGTH

Flower Color: 1 = WHITE 2 = GREEN 3 = BRIGHT GRE

Anther Color: 1 = LIGHT GREEN 2 = DARK GREEN 3 = YELLOW 4 = PALE YELLOW 5 = CHOCOLATE 6 = RED

Sepal Shape: 1 = LONG POINTED 2 = ROUND SHORT

1 = STERILE 2 = FERTILE

7900076

FORM GR-470-16 (REVERSE)

## 6. BULB:

  AVERAGE NUMBER BULBS PER METER

 Size (Harvest): 1 = SMALL (Red Creole) 2 = MEDIUM (Australian Brown U.C. No. 1) 3 = LARGE (Early Grano)

 Shape (see attached chart): 1 = GLOBE (White Sweet Spanish) 2 = DEEP GLOBE (Abundance)  
 3 = FLT. GLOBE (Australian Brn. U.C. No. 1) 4 = TOP SHAPE (Texas Grano 502)  
 5 = DEEP FLAT (Granex) 6 = THICK FLAT (Ebenezer)  
 7 = FLAT (Crystal Wax) 8 = TORPEDO-LONG OVAL (Italian Red)

  CM. HEIGHT ÷   CM. DIAMETER = 1.2 SHAPE INDEX

 1 = INVAGINATE 2 = EVAGINATE

  Color (Skin): 01 = BROWN (Australian Brn. U.C. No. 1) 02 = PURPLISH RED (Italian Red)  
 03 = BUFF RED (Red Creole) 04 = PINKISH YELLOW (Ebenezer)  
 05 = BROWNISH YELLOW (Mt. Danvers) 06 = DEEP YELLOW (Brigham Yellow Globe)  
 07 = MEDIUM YELLOW (Early Yellow Globe) 08 = PALE YELLOW (Yellow Bermuda)  
 09 = WHITE (White Sweet Spanish) 10 = OTHER (Specify)

 Color (Interior): 1 = PINK 2 = RED 3 = PURPLISH-RED 4 = WHITE  
 5 = CREAM 6 = LIGHT GREEN-YELLOW 7 = DARK GREEN-YELLOW

 Scales: 1 = FEW (Crystal Wax) 2 = MEDIUM (Australian Brown U.C. No. 1) 3 = MANY (Sweet Spanish)

 Scales: 1 = THICK (Australian Brown U.C. No. 1) 2 = MEDIUM (Red Creole) 3 = THIN (Crystal Wax)

 Scale Retention: 1 = VERY GOOD (Australian Brn. U.S. No. 1) 2 = GOOD (Ebenezer)  
 3 = FAIR (Red Wethersfield) 4 = POOR (Crystal Wax)

 Pungence: 1 = MILD (Early Grano) 2 = MEDIUM (Crystal Wax) 3 = STRONG (White Creole)

 Storage: 1 = GOOD (Ebenezer) 2 = FAIR (Yellow Globe Danvers) 3 = POOR (Crystal Wax)

## 7. DISEASE RESISTANCE (0 = Not Tested; 1 = Susceptible; 2 = Resistant)

 BLACK MOLD  NECK ROT  PURPLE BLOTCH  SMUT  
 MILDEW  PINK ROOT  SMUDGE  YELLOW DWARF

## 8. INSECT RESISTANCE (0 = Not Tested; 1 = Susceptible; 2 = Resistant)

 THRIP  OTHER (Specify)

## 9. INDICATE A VARIETY THAT MOST CLOSELY RESEMBLES THAT SUBMITTED:

CHARACTER	NAME OF VARIETY	CHARACTER	NAME OF VARIETY
Leaf Height	Grano 502 PRR	Flower Ball	Grano 502 PRR
Leaf Color	Grano 502 PRR	Bulb Color	Grano 502 PRR
Leaf Bloom/Wax	Grano 502 PRR	Bulb Size	Grano 502 PRR
Flower Stalk	Grano 502 PRR	Bulb Shape	Grano 502 PRR
Maturity at Same Location	Grano 502 PRR		

## REFERENCES

- Jones, H. A. and Mann, L. K. 1963 - Onions and Their Allies, Interscience Publishers, Inc., New York
- USDA Misc. Pub. No. 435, 1941 - Descriptions of Types of Principal American Varieties of Onions
- Hayward, H. E., 1938 - The Structure of Economic Plants, McMillan, New York (Reprint 1967)
- Ag Research, 7 (8):8 - Feb. 1959 - Branding Onion Outcasts
- Salem, I. A. 1966 - Inheritance of Onion Bulb Shape, Iowa St. University - PhD thesis



7900076

13-B

EXHIBIT *BD* *set 298727*  
BOTANICAL DESCRIPTION OF THE VARIETY

This Onion is resistant to Pink-Root (*Pyrenochaeta Terretris*) and common strains of Yellow Dwarf. This is a single centered Onion being very large and not top shaped like Grano, though if it is crowded it will be elongated. If given enough room, it will make an extremely large, sweet, nearly globed Onion. Maturity is almost like Texas, Grano 502, but a little later. The top growth is slightly more than the standard Texas Grano 502. The color of the foliage is about the same.

7900076

13-E

EXHIBIT E  
STATEMENT OF THE BASIS OF APPLICANT'S OWNERSHIP

All the work and breeding was done at Dessert Seed Research Farms under the supervision of Dr. Jones who is the head of our Research Program and under contract of Dessert Seed Company.

7900076

PLANT VARIETY PROTECTION ASSIGNMENT

THIS PLANT VARIETY PROTECTION ASSIGNMENT ("Assignment") is made and entered into as of this \_\_\_\_ day of \_\_\_\_\_, 1994, ("Effective Date"), by and between Sunseeds Ltd., L.P., a Delaware limited partnership, ("Assignor"), and Sunseeds Company (formerly Sunseeds Acquisition Corporation), a Delaware corporation, ("Assignee").

WHEREAS, pursuant to a certain Asset Purchase Agreement dated March 7, 1994, Assignor has agreed to sell to Assignee substantially all of Assignor's assets used in the Assignor's business, including the United States Plant Variety Protection Certificates set forth on Schedule A attached hereto (the "PVP Certificates") and the foreign plant variety registrations set forth on Schedule B attached hereto (the "Foreign Registrations").

WHEREAS, Assignor is the sole and exclusive owner of the entire right, title and interest in, to and under the PVP Certificates and Foreign Registrations; and

WHEREAS, Assignee wishes to acquire and Assignor wishes to assign all right, title and interest in and to the PVP Certificates and Foreign Registrations.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Assignor does hereby sell, assign, transfer and set over to Assignee, the entire right, title and interest in and to the PVP Certificates and Foreign Registrations, for the United States and for any foreign country, for its own use and enjoyment, and for

the use and enjoyment of its successors, assigns or other legal representatives, as fully and entirely as the same would have been held and enjoyed by Assignor if this Assignment and sale had not been made; together with all claims for damages by reason of past, present or future infringement or other unauthorized use of the plants protected by the PVP Certificates and Foreign Registrations, with the right to sue for, and collect the same for its own use and enjoyment, and for the use and enjoyment of its successors, assigns, or other legal representatives.

Assignor authorizes and requests the Department of Agriculture to record Assignee as owner of the PVP Certificates and assignee of the entire right, title and interest in, to and under the same, for the sole use and enjoyment of Assignee, its successors, assigns or other legal representatives.

Assignor authorizes and requests the Ministero Per Il Coordinamento Delle Politiche Alimentare Gest. Prod. Agricole and any other organization, department or agency with jurisdiction over registration of plant varieties to record Assignee as owner of the Foreign Registrations and assignee of the entire right, title and interest in, to and under the same, for the sole use and enjoyment of Assignee, its successors, assigns or other legal representatives.

Assignor shall provide Assignee, its successors, assigns or other legal representatives, reasonable cooperation and assistance at Assignee's request (such as the execution and

delivery of any and all affidavits, declarations, oaths,  
exhibits, assignments, powers of attorney or other documentation  
as may be reasonably required) in the implementation or  
perfection of this Assignment.

\* \* \* \* \*

IN TESTIMONY WHEREOF, the undersigned has caused this Assignment to be signed and executed this 31<sup>st</sup> day MARCH, 1994.

Sunseeds Ltd., L.P.

By:

Name:

Title:

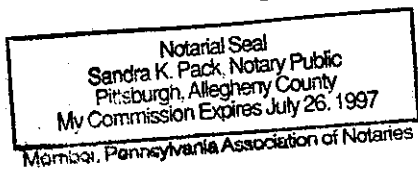
STATE OF

COUNTY OF

SS.

On this 31<sup>st</sup> day of March, 1994, there appeared before me Gerald M. Prada, personally known to me to be the same person whose name is subscribed to the foregoing Assignment and who acknowledged that he signed the foregoing Assignment as his voluntary act and deed for the use and purpose therein set forth.

Notary Public





## Assignment

## Schedule A

**PLANT VARIETY PROTECTION CERTIFICATES**

<u>Current Record Owner</u>	<u>PV#</u>	<u>Crop Kind</u>	<u>Name of Variety</u>	<u>Cert. Issue Date</u>	<u>Expiration Date</u>
A.L. Castle, Inc.	8100077	Tomato	Castlong ug	11/26/82	11/26/2000
	8100078	Tomato	Castlerock	11/26/82	11/26/2000
	8200139	Tomato	Castle Red	11/26/82	11/26/2000
ARCO Seed Co.	7900076	Onion	Colossal	10/18/79	10/18/96
	7900086	Onion	New Mexico White Grano PRR	10/18/79	10/18/96
	7900117	Onion	New Mexico Yellow Grano PRR	1/29/80	1/29/97
	8000039	Onion	Red Sunset	7/31/80	7/31/97
	8000040	Onion	Blanco Duro	7/31/80	7/31/97
	8000041	Onion	Brooks PRR	7/31/80	7/31/97
	8000159	Onion	Texspan PRR	6/11/81	6/11/99
	8000161	Onion	Early Grand PRR	7/30/81	7/30/99
	8100128	Onion	Glory	4/28/83	4/28/2001
	8100129	Onion	Paradise	4/28/83	4/28/2001
	8100130	Onion	Regal	4/28/83	4/28/2001
	8100166	Onion	Sweet Winter	11/26/82	11/26/2000
	8300083	Onion	Crystal Wax Pickling	12/30/83	12/30/2001
	8100001	Triticale	Jenkins	2/15/84	
	8200032	Triticale	Grace	11/15/81	
	8100150	Celery	Grande	1/13/83	
Sunseeds, Div. of Westseeds, Inc.	9100045	Tomato	Sun 6095	1/31/92	1/31/2010
Sunseeds Genetics, Inc.	7600052	Lettuce	Chaparral	5/16/77	5/16/94
	7600053	Lettuce	Costaverde	8/24/77	8/24/94
	7600054	Lettuce	Gustaverde	8/24/77	8/24/94
	7600055	Lettuce	Mesaverde	5/31/77	5/31/94
	7900067	Lettuce	Commander	7/26/79	7/26/96
	8500064	Tomato	Mystro	9/30/87	9/30/2005
	8700194	Tomato	Sun 1643	11/29/91	11/29/2009
	8900171	Cauliflower	White Diamond	4/18/89	
UF Genetics, Inc.	8800057	Pepper	Prima Belle	9/30/88	9/30/2006
	8300168	Okra	Cajun Queen	9/27/85	9/27/2003

# SCHEDULE I

## PVPCs

### COLLATERAL ASSIGNMENT - PLANT VARIETY PROTECTION CERTIFICATES

PV#	Crop Kind	Name of Variety	Certificate Issue Date	Expiration Date
8100077	Tomato	Castlong ug	11/26/82	11/26/2000
8100078	Tomato	Castlerock	11/26/82	11/26/2000
8200139	Tomato	Castle Red	11/26/82	11/26/2000
7900076	Onion	Colossal	10/18/79	10/18/1996
7900086	Onion	New Mexico White Grano PRR	10/18/79	10/18/1996
7900117	Onion	New Mexico Yellow Grano PRR	01/29/80	01/29/1997
8000039	Onion	Red Sunset	07/31/80	07/31/1997
8000040	Onion	Blanco Duro	07/31/80	07/31/1997
8000041	Onion	Brooks PRR	07/31/80	07/31/1997
8000159	Onion	Texspan PRR	06/11/81	06/11/1999
8000161	Onion	Early Grand PRR	07/30/81	07/30/1999
8100128	Onion	Glory	04/28/83	04/28/2001
8100129	Onion	Paradise	04/28/83	04/28/2001
8100130	Onion	Regal	04/28/83	04/28/2001
8100166	Onion	Sweet Winter	11/26/82	11/26/2000
8300083	Onion	Crystal Wax Pickling	12/30/83	12/30/2001
9100045	Tomato	Sun 6095	01/31/92	01/31/2010
7600052	Lettuce	Chaparral	05/16/77	05/16/1994
7600053	Lettuce	Costaverde	08/24/77	08/24/1994
7600054	Lettuce	Gustaverde	08/24/77	08/24/1994
7600055	Lettuce	Mesaverde	05/31/77	05/31/1994
7900067	Lettuce	Commander	07/26/79	07/26/1996
8500064	Tomato	Mystro	09/30/87	09/30/2005
8700194	Tomato	Sun 1643	11/29/91	11/29/2009
8800057	Pepper	Prima Belle	09/30/88	09/30/2006
8300168	Okra	Cajun Queen	09/27/85	09/27/2003

Each of the above-referenced Plant Variety Protection Certificates are owned by Sunseeds Company (formerly known as Sunseeds Acquisition Corporation), a Delaware corporation.

7900076

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OUR FILE NUMBER  
410,894-14  
DC1-211237.V1

**VIA FEDERAL EXPRESS**

Plant Variety Protection Office  
U.S. Department of Agriculture  
NAL Building, Room 500  
10301 Baltimore Boulevard  
Beltsville, Maryland 20705-2351

Attn: Ms. Ann K. Zempolich

Re: Assignment of Plant Variety Protection Certificates  
Owned by Sunseeds Company to Internationale  
Nederlanden (U.S.) Capital Corporation, as agent for  
the Lenders party to the Amended and Restated Credit  
Agreement Referred to Below

Dear Ladies and Gentlemen:

Enclosed please find an originally executed copy of each of (i) the Amended and Restated Security Agreement (the "Security Agreement") dated as of March 14, 1995 by and between Sunseeds Company, a Delaware corporation (formerly known as Sunseeds Acquisition Corporation) ("Sunseeds"), and Internationale Nederlanden (U.S.) Capital Corporation, a Delaware corporation ("ING"), as agent for the Lenders party to the Amended and Restated Credit Agreement referred to below (in such capacity, the "Agent") and (ii) the Amended and Restated Plant Variety Certificates Collateral Assignment (the "Assignment") dated as of March 14, 1995 by and among Lehman Commercial Paper Inc., a New York corporation ("Lehman"), ING, as Agent, and Sunseeds. The Security Agreement and Assignment are provided for recordation of the assignment to ING, as Agent, of the 26 plant variety protection certificates ("PVPCs") listed in Schedule I of the Assignment in accordance with 7 U.S.C. § 2531 and 7 C.F.R. § 97.130.

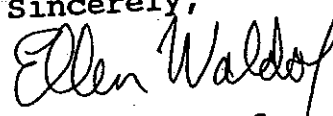
The PVPCs subject to the Assignment were assigned to Lehman, as agent for the lenders party to that certain Credit Agreement (the "Original Credit Agreement") dated as of March 31, 1994 by and among Sunseeds, Sunseed Corporation, a Delaware corporation (the Co-Borrower), Lehman, as agent, and the lenders

listed therein, pursuant to that certain Plant Variety Certificates Collateral Assignment (the "Original Assignment") dated as of March 31, 1994 by and between Sunseeds and Lehman, as agent for such lenders. The Original Credit Agreement was amended and restated pursuant to that certain Amended and Restated Credit Agreement dated as of March 14, 1995 by and among Sunseeds, the Co-Borrower, the Lenders, ING, as Agent, and Lehman, to provide for, among other things, the resignation of Lehman as agent and the appointment of ING as successor agent thereto. In connection therewith, the Security Agreement and the Assignment were entered into to amend and restate that certain Security Agreement dated as of March 31, 1994 by and between Sunseeds and Lehman, as agent for the lenders party to the Original Credit Agreement, and the Original Assignment and to reflect the appointment of ING as Agent.

From my telephone conversations with Ms. Ann K. Zempolich and Dr. Kenneth H. Evans of your office, it is my understanding that you will file a copy of this entire cover letter and a copy of Schedule I in the folder of each PVPC listed in Schedule I by placing the copies immediately behind each PVPC in order to notify anyone examining these PVPCs of ING's interest, as agent, in them and refer the examiner to the Security Agreement and Assignment filed in the Assignment Drawers of the Plant Variety Protection Office. Please take this action and any other steps necessary and appropriate to record the assignment in compliance with 7 U.S.C. § 2531 and 7 C.F.R. § 97.130.

To acknowledge your receipt of this letter, the Security Agreement and Assignment, please sign the enclosed copy of this letter on the designated signature line and return the signed copy to me in the enclosed prepaid Federal Express envelope. Thank you for your assistance.

Sincerely,



Ellen Waldorf  
for O'MELVENY & MYERS

EW/pt  
Enclosure